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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/812,023	03/30/2004	Kazunori Irihune	056208.50262C2	2806	
23911	7590 02/08/2005		EXAMINER		
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP			KWON, JOHN		
P.O. BOX 14			ART UNIT	PAPER NUMBER	
WASHINGT	ON, DC 20044-4300		3747	·	
			DATE MAILED: 02/08/2005	DATE MAILED: 02/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	W
	10/812,023	IRIHUNE ET AL.	
Office Action Summary	Examiner	Art Unit	
	John T. Kwon	3747	
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet w	ith the correspondence ad	ldress
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep. If NO period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	.136(a). In no event, however, may a oly within the statutory minimum of thin d will apply and will expire SIX (6) MOI te, cause the application to become A	reply be timely filed  rty (30) days will be considered timely  NTHS from the mailing date of this companies to the mailing date of this companies to the companies of the companies of the companies to the companies of the compa	
Status			
1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) Thi  3) Since this application is in condition for allowated closed in accordance with the practice under	is action is non-final. ance except for formal mat	•	e merits is
Disposition of Claims			
4) ☐ Claim(s) <u>26-32</u> is/are pending in the application 4a) Of the above claim(s) is/are withdrated 5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) <u>26-32</u> are subject to restriction and/or	awn from consideration.		
Application Papers			
9) The specification is objected to by the Examination The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to e drawing(s) be held in abeya ction is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CF	· ·
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	nts have been received. Its have been received in Apprix documents have been au (PCT Rule 17.2(a)).	Application No  received in this National	Stage
Attachment(s)			
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date</li> </ol>	Paper No(	Summary (PTO-413) s)/Mail Date Informal Patent Application (PTC	D-152)

## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I) A motor driving type throttle apparatus (claims 26); and
- II) A motor driving type throttle apparatus with an air flow meter (claims 27-32).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Kwon whose telephone number is (571) 272-4846. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John T. Kwon Primary Examiner

Art Unit 3747

February 3, 2005